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CITY OF NEWTON, MASSACHUSETTS

Telephone

(617)-796-1120

Telefax

(617) 796-1142

E-mail

mlu-use unewton ma us

Department of Planning and Development

Michael" Kruse, Director

David B. Cohen
Mayor

Public Hearing Date: June 10, 2008
Land Use Action Date: August 12, 2008
Board of Aldermen Action Date: September 2, 2008
90-Day Expiration Date: September 8, 2008

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development
Candace Havens, Chief Planner
Alexandra Ananth, Planner

SUBJECT: **Petition #470-04(4) NEWTON WELLESLEY HOSPITAL** petition to occupy the third floor shell space (24 inpatient beds) located above the new Emergency Department at 2014 WASHINGTON STREET, Ward 5, NEWTON LOWER FALLS, on land known as Sec 55, Blk 1, Lots 15, 15A, B, Bl, 28, 31, 33, and 34, containing approx. 1,127,289 sf of land in a district zoned SINGLE RESIDENCE 2.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis, which may be useful in the special permit decision-making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will consider in its discussion at a subsequent working session.

EXECUTIVE SUMMARY

In April 2005, the Board of Aldermen approved a request for special permit from Newton Wellesley Hospital (NWH) to build a three-story addition above the Wikstrom Surgical Center for a new Emergency Department; a connector walkway from the Wikstrom Surgical Center to the Main Hospital; to relocate the Ellison Building; to expand the parking garage to allow for 570 additional parking stalls for employee and Emergency Department patient parking; to convert the existing Emergency Department to an Oncology Center with a minor addition, and for various other site improvements (**Board Order #470-04**). The three-story Emergency Department addition included

one floor dedicated to Emergency Department use (36,000 sq. ft. now fully occupied), one floor for Ambulatory Services (22,000 sq. ft. not yet built out), and one 22,000 sq. ft. floor that was defined as "shell space" to be built out at a later time. The use of this shell space was to be defined at a later time but would be subject to review as specified in Condition 7 of Board Order #470-04.

NWH is now seeking to complete internal construction of the top level "shell floor" Emergency Department addition into 24 inpatient single-bed rooms. Pursuant to Board Order #470-04 the applicant must complete a number of conditions prior to receiving a special permit to occupy the shell space.

All work for the conversion of the shell space into inpatient rooms will occur on the inside of the structure. All mechanical systems are already in place and there will be no changes to the site plan for the build-out. The addition of 24 more inpatient beds requires eight additional parking spaces, which the petitioner is proposing to accommodate within the current parking surplus. NWH is not proposing any changes to the parking facilities at this time nor do any appear to be required.

The petitioner submitted a traffic and parking study, which concludes that parking is nearing capacity, but still functioning effectively. It also indicated that minor increases are expected to occur, but that peak hour traffic flow is operating at LOS B.

Finally, the hospital staff communicates regularly with those affected by hospital operations through a neighborhood liaison committee that meets semi-annually to discuss ongoing operations and projects. Its efforts to plan comprehensively and collaboratively, taking into consideration impacts on abutters, is consistent with the goals and objectives of the *Newton Comprehensive Plan*.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

In reviewing this petition, the Board of Aldermen should consider whether:

- the addition of 24 inpatient beds in the existing shell space will be more detrimental to the site or neighborhood;
- the current parking supply is sufficient to accommodate 24 additional beds and associated parking demand; and
- the petitioner has met all relevant conditions of Board Order #470-04 (*SEE "ATTACHMENT A"*);

New Emergency Department and top floor "shell space"

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Site Characteristics

NWH is located at the intersection of Beacon and Washington Streets. The hospital has been developed in a campus-like setting, with the main facilities fronting Washington Street and accessory structures located off of a loop road. This internal road is accessed at either end from Washington Street and circles around the main hospital building.

Within the site are a number of existing structures, with a total floor area of —830,000± sq.ft., including the recent three-story Emergency Department addition. The main building houses the hospital, medical offices and surgical center. The main visitor parking facilities are located adjacent to this structure, at the main (south) entrance adjacent to Washington Street. The accessory structures, located behind the main hospital structure, include the support functions (boiler building, day care, etc.) and parking facilities, consisting of multiple surface lots and the recently expanded employee parking garage which also services patients visiting the Emergency Department.

In 2005, NWH received a special permit to build the new three-story Emergency Department addition on top of the existing two-story Wikstrom Surgical Services Building. The first new story houses the new Emergency Department (ED) and the second new story is designated for Ambulatory Services. The new third story was classified as "shell" space to be built out at a future time because, according to NWH, while the future use was undetermined, it made fiscal sense to build the third story core and shell space at the time of the ED addition. The new ED is approximately 36,000 square feet and the new Ambulatory Services and shell floors are approximately 22,000 square feet each, for a total of approximately 80,000 new square feet on the three new stories. The new ED has been built and received Certificates of Occupancy in December 2006.

A portion of the hospital campus is listed on the National Register of Historic Places and is considered to be the Newton Cottage Hospital Historic District. The petitioner is not proposing any alterations to this portion of the site.

The site slopes steeply up from Washington Street to the primary buildings of the hospital campus. The land slopes upward again to the rear of these buildings. There is a third steep slope from the rear surface parking area toward the residences on Bonaire Circle. Board Orders #128-87 and #455-89 established a "buffer zone" of trees and shrubs along the perimeter of the site and separates hospital activities from the abutting residential neighborhood. Board Order #151-95 established a "confinement zone" for future development circumscribed by the loop road. However, the confinement zone allows for the expansion of existing buildings and parking structures outside of the zone subject to special permit. NWH has maintained this buffer zone and proposed new inpatient beds will not affect this portion of the site.

B. Neighborhood

Washington Street and Beacon Street bound the hospital site, which is within 1/4 mile of Route 128. The predominant use of the surrounding land is single-family residences. However, a concentration of multi-family, institutional, commercial and transportation uses, including a nursing home, Golda Meir House (housing for the elderly), the Woodland MBTA Station and ArborPoint (a 180-unit residential development at the Woodland Station), Temple Reyim, and the Northland Office Building are found in close proximity to the site. Also, in the vicinity of the site are two large golf courses: Woodland Country Club and BraeBurn Country Club.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

NWH is considered a pre-existing use having valid non-conforming status. This site has been used as a hospital since 1881, and has served the surrounding communities throughout the property's history. The proposed expansion of shell space into 24 inpatient bedrooms will not change the land use. The new rooms are all designed for single occupancy and wrap around the perimeter of the floor. A lobby, two nurses' stations, a conference room, offices and mechanical and equipment rooms occupy the core of the floor. As long as parking demand can be accommodated by the existing parking supply, the Planning Department believes that 24 new inpatient bedrooms should have a minimal impact on the use of the site or the neighborhood.

B. Building and Site Design

Most of the NWH campus consists of brick buildings and the new ED addition is faced in brick with metal panels, with large glass windows, and metal canopies. The Planning Department believes the building blends well into the existing campus and the petitioner is not proposing any changes to the façade for the proposed build-out.

C. Parking and Circulation

Currently all traffic entering the NWH campus is funneled through two entrances from Washington Street, and the location of the existing vehicular accesses will not be changed. NWH is not proposing any changes to the parking facilities at this time nor do any appear to be required. There are seven separate parking areas on the NWH campus providing a total of approximately 2,350 parking spaces including the new garage addition built under Board Order #470-04. This exceeds the 906 number of stalls required by the Zoning Ordinance for the existing campus and the 1,230 stalls required by Board Order #128-87. The addition of 24 more inpatient beds requires 8 additional parking spaces, which are well accommodated within the current excess parking supply.

In accordance with the terms of Condition #7 of Special Permit #470-04 as related to the build out of shell space, Tetra Tech Rizzo completed a traffic and parking study including a projection of the impacts to traffic and parking conditions at

NWH. The petitioner also submitted a Travel Demand Management plan. In addition to Condition #7 the Planning Department notes the petitioner must also satisfy Conditions #15, 16, 17, 18, and 19, all related to traffic.

Although the parking requirements require only eight new stalls for the proposed build-out and the hospital has a large parking surplus, the Planning Department is concerned that actual demand from employees as well as patients and visitors will soon exceed the parking capacity on the already tight site. The petitioner should be expected to discuss this in greater detail at the public hearing as well as discuss any potential for creating additional parking spaces in the future. The City Traffic Engineer is expected to review and comment on the petitioner's traffic study under separate cover prior to the Public Hearing.

D. Landscape Screening, Lighting, and Signage

The petitioner is not proposing any changes to landscape screening, lighting or signage as part of this special permit petition.

IV. COMPREHENSIVE PLAN

As stated in the *Newton Comprehensive Plan*, the vision for Newton's Institutions, including its hospitals, calls for three things: 1) making sure future land use reflects a shared understanding of the community of interests that exists among the City's institutions and the City itself, 2) exchange of planning information and intentions for the future, seeking ways of meeting the shared opportunities, hazards and costs of their coexistence, and 3) accommodating the inevitable changes over time in the role of various institutions and their spatial needs, achieving that accommodation is a way that is responsive both to the interests of the institutions and to the communities within which they exist. It notes that concerns are sometimes expressed regarding expansions and impacts on neighborhoods and open space and other forms of development and this is of key concern with NWH.

The previous Board Order established a neighborhood liaison committee to establish routine communications among affected parties including representatives of the hospital, City and immediate neighbors that will continue to provide feedback to the institution and promote information sharing. Its current plans respond to the changing needs in the community and will minimize negative impacts on its surroundings. Planning Department staff finds this proposal is consistent with the intent of the *Newton Comprehensive Plan*.

V. TECHNICAL REVIEW

A. Technical Considerations, Sec. 30-15 and Sec. 30-8(d). As the petitioner is proposing to build out existing space, the petitioner is not seeking a waiver to any of the dimensional controls. For reference purposes, the Planning Department notes the existing building is 78 feet tall and has an elevation of 244 feet including rooftop mechanical equipment. This height was approved under Board Order #470-04.

B. Parking Requirements (Section 30-19). As noted earlier, the petitioner is not altering the existing parking or circulation in any way as part of the build out of the shell space. The build-out has a parking requirement of eight stalls, which the petitioner is proposing to meet with the existing parking surplus.

C. Other Reviews

The Associate City Engineer did not review this petition for special permit, as all utilities are existing and the petitioner is not adding any impervious surface to the site.

Assistant Fire Chief Proia also did not review this petition because there are no proposed changes to access or circulation. The Fire Department will perform an inspection of the plans and build-out prior to building permit and occupancy.

VI. SUMMARY OF ZONING RELIEFS SOUGHT

Based on the Zoning Review Memorandum, dated May 12, 2008 (*SEE "ATTACHMENT B"*), the petitioner is seeking relief from or approval through:

- Section 30-21(b) for approval to extend a non-conforming use with 24 inpatient beds on the third floor of the existing ED building;
- Section 30-24 for approval to amend special permit and Board Order #470-04.

VII. SUMMARY OF PETITIONER RESPONSIBILITIES

At the public hearing, the petitioner should plan to respond to all issues raised in this memorandum prepared by the Planning and Development Department and City Traffic Engineer.

ATTACHMENTS:

ATTACHMENT A: Zoning Review Memorandum, May 12, 2008

ATTACHMENT B: Board Order #470-04

ATTACHMENT C: Land Use Map

ATTACHMENT D: Zoning Map

ATTACHMENT E: Proposed Build-Out

Zoning Review Memorandum

Dt: May 12, 2008

To: Franklin G. Stearns, Kirkpatrick & Lockhart Preston Gates Ellis LLP, representing Newton Wellesley Hospital

Fr: Candace Havens, Chief Planner
Jean Fulkerson, Principal Planner
Alexandra Ananth, Planner

Cc: Michael Kruse, Director, Department of Planning and Development
John Lojek, Commissioner of Inspectional Services
Ouida Young, Assistant City Solicitor

Re: **Zoning Review: Newton Wellesley Hospital — Am endment to Special Permit #470 -04.**

Applicant(s): Newton Wellesley Hospital

Site: 2014 Washington St., Newton

SR: Section 55, Block 1, Lots 15, 15A, 15B, 15B1, 28, 31, 33, 34

Zoning: Single Residence 2

Site Area: 1,127,289 sq. ft.

Current use: Hospital

Prop. use: Inpatient beds in previously approved (BO #470-04) shell space above ED.

Background:

Opened in 1881 as Newton Cottage Hospital, the Newton Wellesley Hospital (NWH) is today a community-based hospital associated with the Partners Healthcare Network. NWH seeks to convert existing shell space constructed above the Emergency Department into 24 inpatient single-bed rooms. While originally a pre-existing use having valid non-conforming status in the SR-2 zone, NWH has also been granted a number of special permits (#128-87, #455-89, #302-90, #302-90(2), #151-95, #140-00, and #470-04) over the years, which govern much of the overall medical campus.

The proposed development requires amendment to the most recently-approved Board Order #470-04, which authorized a three-story addition for a new Emergency Department; a connector walkway from the Wikstrom Surgical Center to the Main Hospital; relocation of the Ellison Building; and expansion of the parking garage to allow for 570 additional spaces for employee and Emergency Department patient parking and other site improvements. The three-story addition approved under Board Order #470-04 included one floor dedicated to Emergency Department use, one floor for Ambulatory Services, and one floor that was defined as "shell space" to be built out at a later time.

Condition #7 of Board Order #470-04 specifically prohibited the use of the "shell space" until the hospital has:

- > conducted a traffic and parking study with a scope to be coordinated with the City Traffic Engineer;
- > provided evidence it has pursued the availability, feasibility, and economic feasibility of use of off-site parking facilities, the use of shuttle buses in conjunction therewith, and/or encouraged carpooling and use of the free MBTA passes per the Transportation Demand Management Plan dated March 23, 2005 (on file with the City Clerk) as a means to decrease the number of vehicle trips to and from the hospital's campus and to reduce the on-site parking demand for the existing and proposed future uses; and
- > defined the specific use or uses for the "shell space" and obtained approval of an amendment to special permit.

As NWH is now seeking to utilize the shell space the applicant will need to seek an amendment to Board Order #470-04. In addition to Condition #7, Conditions #15, 16, 17, 18, and 19 must be satisfied. *Prior to filing to amend the special permit NWH should submit an update on compliance with all relevant conditions of Board Order #470-04. An electronic copy of the currently approved site plan as well as proposed layout plans for the shell space should be submitted to the Planning Department at the time of filing.*

Administrative determinations

1. NWH plans to complete internal construction of the top level "shell floor" Emergency Department addition and has stated the intention to follow the process for requesting to amend special permit #470-04 and all applicable conditions prior to commencing such work. The completion of medical space authorized under Board Order # 140-00 was handled in a similar manner.
2. The site is subject to a series of board orders and special permits granted by the Board of Aldermen over the years, most recently #470-04, which allowed NWH to build a new Emergency Department and ambulatory services floor, a mechanical penthouse above the surgical services building, expanded oncology area, enlarged employee parking garage, adjustments to the ring road and surface parking, and relocation of the Ellison Building.
3. Conditions from Board Orders #128-87, #455-89, #302-90, #302-90(2), #151-95, #140-00 shall remain in effect.
4. All work for the conversion of the shell space into in-patient bedrooms will occur on the inside of the structure. All mechanical systems are already in place and as such there will be no changes to the site plan for the internal build-out.
5. Section 30-19 (d) & (h) establish the applicable parking and related requirements. The pertinent parking calculation factors are found in (d)(8) for hospital use, (d)(11) for office use, and (d)(12) for medical office use. The parking requirement per the Zoning Ordinance totals 906, however Board Order #128-87 Condition #2 increased the required number of parking stalls to 1,239. NWH represents there are currently 2,351 parking stalls on site, including the 570 stalls added under special permit #470-04. The addition of 24 more in-patient beds requires 8 additional parking spaces, which are well accommodated within "the current

excess parking supply. NWH is not proposing any changes to the parking facilities at this time nor do any appear to be required.

6. The submitted plans comply with Newton Zoning Ordinance except as outlined in the "Zoning Relief Summary" below.

Ordinance	Zoning Relief Summary	
	Extension of Non-Conforming Structure	Action Required
	Use	
30-21(b)	Approval of Extension of Non-conforming use with 24 inpatient beds on 3 rd floor of existing ED building.	X
	Site	
	Parking	
	Parking (cont.)	
	Sign	
	Special Permit	
30-24(d)	Approval of special permit	X
30-24(d) BO# - 470- 0 LI	Amend prior Board Order BO #470-01	X

Attachments

Attachment A: City of Newton Special Permits – Conditions with Ongoing Obligations

Plans reviewed:

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#470-04

CITY OF NEWTON

IN BOARD OF ALDERMEN

April 19, 2005

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ORDERED:

That the Board, finding that the public convenience and welfare will be served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, hereby grants the following SPECIAL PERMIT TO EXTEND NONCONFORMING LSE A STRUCTURE and SPECIAL PERMIT/SITE PLAN APPROVAL, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor, through its Chairman, Alderman George E. Mansfield:

1. The Board finds that the existing nonconforming structure on the Newton-Wellesley Hospital ("Hospital") campus, as altered and extended, will not be substantially more detrimental to the neighborhood than the existing structure because:
 - a. The proposed 3-story building addition for the new Emergency Department, Ambulatory Services and shell space will be constructed on top of the existing Wikstrom Surgical Center, which is located in the center of the Hospital campus, and will comply with the building height limitation established in Board Order #128-87 with the exception of an approximately 10" diameter ventilator stack for new rooftop mechanical equipment.
 - b. The new rooftop mechanical equipment will be screened from the public view and will comply with the height limitations for mechanical equipment established in Board Order #128-87 except for an approximately 10" diameter ventilation stack that will exceed the maximum height by 12 feet.
 - c. The proposed 3-story addition and associated site work have been designed to avoid encroachment into the buffer zone established in Board Orders #128-87.
 - d. The Hospital will be providing substantial screening along the common property lines with abutting residents, and has offered to provide screening on the abutters' properties.
 - e. The proposed addition includes a connector walkway from the Wikstrom Surgical Center to the Main Hospital that should help improve pedestrian circulation and safety on the Hospital campus.

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City of Newton, Mass.

2. The Board finds that the nonconforming use, as extended, will not be substantially more detrimental to the neighborhood than the existing nonconforming use because:
 - a. Although the Hospital currently meets the parking demand as required by the Zoning Ordinance, the proposed additional parking is needed to accommodate both the existing practical parking demand short-fall, as well as the projected practical future parking demand as defined by the Hospital and associated with the expanded Emergency Department, the new Ambulatory Services space, the shell space, and some projected growth in the parking demand from the other Hospital services, as defined by the Hospital.
 - b. The Hospital has offered \$25,000 for a Traffic Mitigation Fund to assist with traffic studies and/or improvements in the immediate neighborhood to help offset the impacts of increased traffic on public roadways associated with this special permit.
 - c. The Hospital has offered to contribute to an Inflow and Infiltration Mitigation Fund to assist the City in its program to reduce infiltration into the City's sewer system in the general area of the Hospital and to offset the additional sewage added by this Project.

3. The Board finds that the public convenience and welfare will be served because:
 - a. The existing Emergency Department is undersized and the proposed expansion is designed to meet not only the current, but the projected future patient demands;
 - b. With the expanded Emergency Department and parking facilities, the Hospital will be able to better serve the needs of the community;
 - c. The Hospital will participate in a Construction Liaison Committee, with representatives from the surrounding neighborhood, to facilitate communication during the construction process;
 - d. The Hospital will participate in a Neighborhood Council, that will create a forum for on-going communications between the Hospital, residential abutters, aldermen, and city staff, regarding issues of common concern such as the implementation of the proposed Traffic Demand Management Plan, future plans for updating and/or possibly expanding the Hospital as health care demands and technology change, and changes to the Hospital's operations as each may impact the surrounding neighborhood and/or community as a whole; and
 - e. The Hospital will relocate and rehabilitate the existing historic Ellison Building and will resite the existing Cupola. Each are key elements of in the Newton Cottage Hospital National Register Historic District.

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- f. The Newton-Wellesley Hospital and the Woodland at ArborPoint project have entered into a Memorandum of Understanding ("MOU") dated December 9, 2004, on file with the City Clerk. The MOU states that the Hospital and ArborPoint will work together to provide housing opportunities for Newton-Wellesley Hospital employees and to monitor and improve traffic and circulation in the general area.
4. The Board finds that the campus of the Newton-Wellesley Hospital is limited in space as restricted by zoning covenants through special permitting processes that commenced in 1987, and that any future expansions or alterations to the site and/or structures require approval from the Board as amendments to the existing special permits, and that prior to the Hospital seeking a special permit for the build-out of the proposed shell space, the Hospital will:
 - a. Conduct a traffic and parking study the scope of which will be prepared in conjunction with the City Traffic Engineer; and
 - b. Evaluate the Traffic Demand Management Plan implemented pursuant to this special permit specifically with regard to the possibility, feasibility and need for the use of shuttles, carpooling and/or other methods of reducing the number of vehicles that need to park on the Hospital campus, and present its study/evaluation to the City Traffic Engineer.
5. The Board finds that the expansion to the employee parking garage is appropriate as proposed because:
 - a. It will allow for approximately 100 existing employee parking spaces in the Washington Street garage to be relocated, freeing these spaces for much needed patient and visitor parking, and for adequate parking to accommodate the current demand as well as the projected increase in patient, employee and visitor utilization associated with this special permit;
 - b. The Hospital conducted an alternatives analysis of 6 possible locations on its site for parking facilities, and the proposed location, expanding the existing employee garage, was the best location because it created the fewest impacts and allowed for their mitigation;
 - c. The expanded garage includes 2 levels of underground parking and the top, 5th floor, will be at the same level as the top floor of existing Employee parking garage;
 - d. The plans include a pedestrian walkway ramp for employees from the upper level of the expanded garage to an existing employee Hospital entrance that will be provided to facilitate shorter access for employees and should help minimize vehicular and pedestrian conflicts by reducing the number of potential employees who will walk across the interior loop road;

- e. The Hospital will initially dedicate approximately 48 spaces, on the fourth floor of the Employee garage (effectively at the ground level of the garage), for Emergency Department patients and visitors, with the ability to expand the number of spaces up to 90 for patients and visitors as the Emergency Department parking demand increases;
 - f. The Hospital will install louvers along the fourth floor of the parking garage facing Bonaire and Dorset Roads and Beacon Street to help reduce the amount of light visible to abutting residents;
 - g. The Hospital is proposing a lighting plan for the upper level of the expanded Employee garage that shows the lighting mounted on the inside walls, below the parapet height, and a waiver of the minimum 1.0 foot-candle requirement is appropriate because such waiver will mitigate the impact of the Employee garage roof lighting on the abutting residential properties;
 - h. The Hospital will shut off the upper level lights at 8 p.m.; and
 - i. The Hospital will continue its efforts to relocate medical services which do not require immediate direct access to some medical technologies to off-site locations to reduce future parking demands on-campus.
6. The Board finds that patients and visitors should be able to more easily locate vacant parking spaces and access the appropriate locations within the Hospital as a result of the proposed improvements to vehicular and pedestrian directional signage.
 7. The Board finds that the relocation of the existing standing sign, at the south (Beacon Street) entrance, will help improve sight lines for vehicles exiting the site.
 8. The Board finds that proposed changes in grade by more than 3 ft. are acceptable and will substantially serve the public welfare because:
 - a. The regrading work is necessary to facilitate access to/from the Emergency Department and expanded parking garage; and
 - b. The associated engineering and drainage plans and calculations have been designed to control on-site drainage and surface run-off and, as such, the regrading work should have no adverse effects on the abutting properties or to the City storm drain system.
 9. The Board finds that the new Emergency Department drop-off/pick-up area, with 9 short-term parking spaces, will have adequate capacity to serve the projected traffic demand if monitored, and the Hospital will provide a monitoring system and staff who will relocate the cars that fail to leave the short-term parking stalls in a timely manner so that there is not a queue of vehicles backed-up onto the ring road.

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PETITION NUMBER: #470-04

PETITIONER: Newton-Wellesley Hospital [hereinafter referred to as the "Hospital" or the "Petitioner"] (7/-

LOCATION: 2014 Washington Street, Ward 5, Section 55, Block 1, Lots 15, 15A, 15B, 28, 31, 33, 34.

OWNER: [V Newton-Wellesley Hospital

ADDRESS OF OWNER: 2014 Washington Street
Newton, MA 02462

TO BE USED FOR: The construction of approximately 80,000 sq. ft. of additional floor area, on three floors, for the expansion and relocation of the Emergency Department, an Ambulatory Services Floor, and a floor of undefined shell space; expansion of existing employee parking garage to allow for a net increase of 570 parking spaces for employee and Emergency Department patient parking; construction of a employee pedestrian walk-way to employee access between the Employee garage and the Hospital; alterations of the existing driveway entrance/egress, at the main entrance, to allow for the creation of a dedicated right-turn lane out of the Hospital; relocation and rehabilitation of the existing Ellison Building and historic cupola; conversion of the existing Emergency Department to an oncology center; and other site improvements to facilitate improved site circulation and access to the new Emergency Department; installation of a replacement generator; a 1500 s.f. extension of the entrance at existing Emergency Department; and the addition of a walkway connector from Wikstrom to the Main Hospital.

CONSTRUCTION: Three-floor hospital addition and pedestrian walkway connector: steel frame construction, with face brick and glass, to match existing; expanded employee parking garage and employee walk-way, concrete and brick, to match existing; relocation of Ellison Building.

EXPLANATORY NOTE: Section 30-21(b) allows the Board of Aldermen

to grant a special permit for an extension a
alteration of a non-conforming use/structur

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- b. Architectural, structural, mechanical, civil (site engineering and utilities), and landscaping plans; prepared by The Ritchie Organization, Inc., Souza, True and Parters, Inc., Thompson Consultants, Inc., Edwards and Kelcey, and Pressley Associates, respectively; consisting of the following 50 sheets:
- (1) Sheet G-1, Site Plan/Campus Plan - Revised March 21, 2005
 - (2) Sheet G-2, Construction Phasing Plan - Revised March 21, 2005
 - (3) Sheet 0002, Demolition/Site Prep Plan - November 29, 2004
 - (4) Sheet C100, Overall Site Plan -Revised December 10, 2004
 - (5) Sheet C101, Enlarged Site Layout Plan - Revised December 10, 2004
 - (6) Sheet C102, Enlarged Site Layout Plan 2 - Revised December 10, 2004
 - (7) Sheet C103, Enlarged Site Layout Plan 3 - Revised December 10, 2004
 - (8) Sheet C200, Grade Plane Plan -November 29, 2004
 - (9) Sheet C201, Enlarged Grading and Drainage Plan - Revised December 10, 2004
 - (10) Sheet C202, Enlarged Grading And Drainage Plan 2 - Revised December 10, 2004
 - (11) Sheet C203, Enlarged Grading And Drainage Plan 3 - Revised December 10, 2004
 - (12) Sheet C301, Enlarged Utility Plan - Revised December 10, 2004
 - (13) Sheet C302, Enlarged Utility Plan 2 - Revised December 10, 2004
 - (14) Sheet C303, Enlarged Utility Plan 3 - Revised December 10, 2004
 - (15) Sheet C400, Overall Photometric Plan - Revised March 30, 2005
 - (16) Sheet C500, Overall Erosion Plan -November 29, 2004
 - (17) Sheet C501, Truck Turning Plan - November 29, 2004
 - (18) Sheet C600, Details - Revised December 10, 2004
 - (19) Sheet C601, Details - November 29, 2004
 - (20) Sheet C602, Details - November 29, 2004
 - (21) Sheet L1, Planting and Materials At Ed/Historic Cottage Park - Revised January 21, 2005
 - (22) Sheet L2, Planting and Materials At Garage - Revised January 21, 2005
 - (23) Sheet L3, Planting and Materials At Lower Parking Lot - Revised January 21, 2005
 - (24) Sheet L4, Grate at Ed/Historic Cottage Park - Revised December 10, 2004
 - (25) Sheet L5, Tree Removal Diagram - Revised January 21, 2005

- (26) Sheet L6, 3ft Elevation Increase Diagram - Revised January 21, 2005
- (27) Sheet A-0, Founders' Link Plan & Elevations - Revised December 10, 2004
- (28) Sheet A-1, New Ed Addition: Third Floor Plan - Revised November 29, 2004
- (29) Sheet A-2, New Ed Addition: Fourth Floor Plan - Revised November 29, 2004
- (30) Sheet A-3, New Ed Addition: Fifth Floor Plan - November 29, 2004
- (31) Sheet A-4, New Ed Addition: Sixth Floor Plan - November 29, 2004
- (32) Sheet A-5, New Ed Addition: Roof Plan - Revised December 10, 2004
- (33) Sheet A-6, New Ed Addition: Exterior Elevations 1 - Revised December 10, 2004
- (34) Sheet A-7, New Ed Addition: Exterior Elevations 2 - Revised December 10, 2004
- (35) Sheet A-8, Parking Addition: Level One Plan - Revised February 28, 2005
- (36) Sheet A-9, Parking Addition: Level Two Plan - Revised February 28, 2005
- (37) Sheet A-10, Parking Addition: Level Three Plan - Revised February 28, 2005
- (38) Sheet A-11, Parking Addition: Level Three Annex Plan - Revised February 28, 2005
- (39) Sheet A-12, Parking Addition: Level Four Plan - Revised February 28, 2005
- (40) Sheet A-13, Parking Addition: Level Four Annex Plan - Revised December 10, 2004
- (41) Sheet A-14, Parking Addition: Level Five Plan - Revised February 28, 2005
- (42) Sheet A-15, Parking Addition: Level Five Annex Plan - Revised February 28, 2005
- (43) Sheet A-16, Parking Addition: Exterior Elevations 1 - November 29, 2004
- (44) Sheet A-17, Parking Addition: Exterior Elevations 2 - November 29, 2004
- (45) Sheet A-18, Firetruck Access Diagram - November 29, 2004
- (46) Sheet A-19, Radiation Oncology: Floor Plans & Elevation - Revised December 10, 2004
- (47) Usen Building/Garage Connection, Plan view - March 21, 2005
- (48) Usen Building/Garage Connection, Elevation "A" - March 21, 2005
- (49) Usen Building/Garage Connection, Elevation "B" - March 21, 2005
- (50) Existing Building Elevation with New Emergency General Information - April 7, 2005

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- c. Newton Wellesley Hospital Neighborhood Screening Plans, prepared by Pressley Associates, dated February 10, 2005, consisting of the following 24 sheets:

- (1) Sheets 1-2 – 1985 Beacon Street,
- (2) Sheets 3-6 – 1977 Beacon Street,
- (3) Sheet 7 – 10 Bonaire Circle,
- (4) Sheets 8-13 – 11 Bonaire Circle,
- (5) Sheets 14-16 – 14 Bonaire Circle,
- (6) Sheets 17-20 – 16 Bonaire Circle,
- (7) Sheets 21-22 – 261 Dorset Road, and
- (8) Sheets 23-24 – 33 Longwell Road.

2. The relevant site plans, referenced in Condition 1., above, shall be amended to include the installation of a residential-style fence of a design to be reviewed and approved by the Director of Planning and Development along the rear property line of the houses located at 11, 14, and 16 Bonaire Circle abutting the Newton-Wellesley Hospital. It is intended that the proposed fencing shall be erected within three (3) months of receipt of a building permit for this special permit project, subject to any necessary permitting and/or delays due to weather.
3. The relevant site plans, referenced in Condition 1., above, shall be amended to include the installation of a new residential style fence of a design to be reviewed and approved by the Director of Planning and Development along the westerly side of Longfellow Road. It is intended that the existing fencing shall be removed and proposed fencing erected within three (3) months of receipt of a building permit for this special permit project, subject to any necessary permitting and/or delays due to weather conditions.
4. Prior to the issuance of a building permit, the Hospital shall submit a final photometric plan that includes additional wall mounted lamps along the pedestrian ramp from the Employee garage to the hospital.
5. Prior to the issuance of any building permits, the Hospital shall submit revised parking garage plans and elevations for review and approval by the Director of Planning and Development that include louvers on the upper level of the garage, on the Bonaire/Dorset Roads and Beacon Street sides. The Hospital shall also submit specifications on the louver system, as necessary, and shall identify the color and proposed material. The Hospital shall include, in its final design for the expanded parking garage, a specification to colorize the new concrete, on the upper level floor, to help minimize the reflective nature of the concrete in order to reduce possible glare of the parking lot lighting.
6. Except as amended by this board order or previous board orders, all conditions of Board Orders #151-95, #302-90, #455-89, #128-87, and #140-00 shall remain in effect.
7. The top floor of the proposed building addition, defined as "shell space", shall not be utilized by the Hospital for anything other than storage space until:

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- a. The Hospital has conducted a traffic and parking study. The Scope of the Study will be prepared in conjunction with the City Traffic Engineer; and
 - b. The Hospital provides evidence it has pursued the availability, feasibility, and economic feasibility of use of off-site parking facilities, the use of shuttle buses in conjunction therewith, and/or encouraged carpooling and use of the free MBTA passes, per the Transportation Demand Management Plan, dated March 23, 2005, on file with the City Clerk, as a means to decrease the number of vehicle trips to/from the Hospital's campus and to reduce the on-site parking demand for the existing and proposed future uses on the campus; and
 - c. The Hospital has defined the specific use or uses for the "shell space" and submitted an application and been granted approval for an amendment to this special permit.
8. In accordance with Board Order #151-95, Condition #5, all vehicular access to and egress from the Hospital shall continue to be only from Washington Street (Route 16) and access from Dorset Road will continue to only be used by Fire and Police vehicles, in emergency situations only, or during the Boston Marathon. No vehicular access from Beacon Street is permitted. These vehicular access restrictions shall be extended for an additional 10 years, through July 2057.
 9. That the Hospital shall extend the buffer zone and non statutory Conservation Restriction Conditions for an additional ten (10) year period, through July 2057.
 10. All future expansion of the Hospital shall be confined within the loop road except for existing buildings and parking structures, if needed, in the future. Existing buildings outside of the loop road may be modernized, renovated, relocated and replaced in conformance with applicable ordinances. This restriction shall continue through 2017.
 11. The new landscaping to be installed by the Hospital, referenced in the plans in Condition # 1, above, on its property, shall be maintained by the Hospital and dead and diseased vegetation throughout its campus shall be replaced at least annually to preserve the landscaping. The Hospital will file annually a certification with the City Clerk and the Department of Planning and Development indicating that the existing landscaping on its campus has been maintained and/or defining all areas in need of treatment.
 12. The unrestricted Fifty Thousand Dollar (\$50,000.00) fund established in accordance with Board Order #302-90 as a guarantee of the maintenance of the plantings for the buffer area and the Washington Street garage may also be used under the same conditions as set forth in that Board Order for maintenance of plantings required by this special permit, on the property of the Hospital, in the event that the Hospital fails to maintain the required landscaping or fails to replace dead or diseased vegetation.
 13. In an effort to provide additional screening of the proposed expanded parking garage, the Hospital has proposed to install additional screening, on designated abutting properties, in accordance with the plans referenced in Condition 1.c., above,, o -ifig.FRay_...., be modified by the mutual agreement of abutting property owner A LW e %ital. The

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Hospital shall install the screening but only with the written consent of each respective property owner who abuts the Hospital on Bonaire Circle and Beacon Street. Legal documents concerning access for planting and releasing the Hospital for future claims arising out of existence of such plantings will be prepared by the Hospital and executed before any planting is done. The documents will acknowledge that once the trees or bushes are planted, they would become the property and responsibility of the individual property owner.

14. Prior to the issuance of any building permits, the Hospital shall submit final engineering plans for review and approval by the City Engineer, which address all the comments included in the engineering review memo, from Woodward & Curran, dated February 7, 2005, on file with the City Clerk and City Engineer, and any changes to the plans resulting from the Building Permit process. These plans shall also include any changes to the proposed grading which may be necessary to assure that the existing trees that are to remain are protected, in accordance with the recommendations of the Director of Urban Forestry, of the Department of Parks and Recreation, and that the final grading plans shall be consistent with the final grading shown on the final landscape plans.
15. The Hospital shall monitor the short-term parking area at the entrance to the Emergency Department on a 24 hour basis and shall provide staff as needed to control the duration of parking in this area so that there is not a queue of vehicles backed-up onto the ring road. Such monitoring system shall include the provision of staff to move a vehicle that is parked beyond the posted 20 minute time restriction or when the 5 standard and/or the 4 handicap parking spaces are occupied. Such monitoring system may include, but is not limited to, valet parking or asking patients and/or visitors to the Emergency Department who park in the short term parking spaces to relinquish their keys to Hospital staff so that staff may relocate vehicles if the need to do so arises. Vehicles removed from the short-term parking area pursuant to this condition would be relocated to the adjacent Loop Road Garage's designated Emergency Department parking area.
16. Within six (6--; twelve (12) months of the date of full occupancy of the Emergency Department and Ambulatory Services Floor, the Hospital will conduct a study to review the operation of the short term parking and the effectiveness of the staff monitoring. The scope of the study will be prepared in conjunction with the City Traffic Engineer. The study will be completed and submitted to the City Traffic Engineer no later than thirteen (13) months after the date of full occupancy of the Emergency Department and Ambulatory Services Floor. The results of the study will be reviewed by the City Traffic Engineer who, in conjunction with the Hospital will determine any needed modifications to the operation, including the consideration of valet parking service.
17. Within six (6) - twelve (12) months after the issuance of final occupancy permit for the relocated Emergency Department and Ambulatory Service space, the Hospital will conduct post occupancy traffic counts on the site driveways, at both entrance/egress points on Washington Street, and parking occupancy studies of both the Loop Road Employee Garage and the patient/visitor garage on Washington Street, during peak hours. The scope of the study will be prepared in conjunction with the City Traffic Engineer.

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completed and submitted to the City Traffic Engineer no later than thirteen (13) months of issuance of the final certificate of occupancy for this special permit_

18. The Hospital shall initially designate a minimum of 48 spaces on Level 4 (ground level) of the expanded parking garage for use by patients and visitors to the Emergency Department. The Hospital shall increase the number of spaces dedicated to the Emergency Department patients and visitors, up to 90 spaces, as the demand increases.
19. The Hospital will comply with the Travel Demand Management Plan dated March 23, 2005 filed with the Department of Planning and Development, Inspectional Services Department and the City Clerk. The Neighborhood Council, referenced in Condition # 29, will be a forum for discussion of the plan and any possible enhancements including, but not limited to providing free MBTA passes to Employees.
20. The Hospital shall perform all construction in accordance with the conditions of a Final Construction Management Plan ("C.M.P."). The Final C.M.P. shall be submitted to the City Engineer, City Traffic Engineer, Director of Planning and Development, and Commissioner of Inspectional Services for review and submission of comments to the Commissioner of Inspectional Services for his approval before any construction activities related to this Project are commenced on the Site. The C.M.P. shall include all information included in the Draft Construction Management Plan, dated February 10, 2005, on file with the City Clerk, and shall be amended and expanded as follows:
 - a. At least 30 days prior to any construction, the Hospital shall designate a person responsible for the construction process and shall provide the name and telephone number of such person to the Commissioner of Inspectional Services, the Ward 4 and 5 Aldermen, and members of Liaison Committee.
 - b. Trucks shall only access the site to and from Washington Street, and construction vehicles may use only Commonwealth Avenue, Washington Street and Beacon Street for deliveries to the site.
 - c. All employees of contractors and subcontractors shall park on the Site or at an alternative off-site location provided by the Hospital and the Hospital shall include a clause in Construction Contracts to the effect that contractors and subcontractors and their employees shall not park their vehicles on surrounding neighborhood streets. The location(s) of off-site parking locations shall be identified in the final construction management plan.
 - d. As necessary, the Hospital shall identify any off-site parking locations for employees during the expansion of the employee garage.
 - e. The Hospital shall take appropriate steps to prevent vehicles exiting the site from carrying mud or construction debris onto the surrounding streets, including but not limited to washing vehicle tires. At the request of the Commissioner of Public Works, the Hospital shall provide a truck washing station, on-site, and street cleaning at its expense to remove mud or construction debris from stre;

- f. The Hospital shall take appropriate steps to control the dust generated during the grading, excavation and construction on the site, including requiring covers to be placed over open trucks.
- g. The hours of construction shall be between 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday, unless otherwise permitted by the Commissioner of Inspectional Services. There shall be no exterior construction work on Sunday. Interior construction work may occur at other times when a building is fully enclosed. Exterior construction work may be permitted at other times, due to exigent circumstances, with the advance approval of the Commissioner of Inspectional Services.
- h. The hours for construction deliveries to the site shall be limited to 7:00am to 6pm, Monday through Friday, and 8am to 5pm, on Saturdays, unless specifically authorized by the Commissioner of Inspectional Services due to exigent circumstances. The Hospital shall advise the contractors and subcontractors to minimize the number of deliveries during shift changes and other peak access/egress hours, in order to reduce the congestion on site and to minimize conflicts between the delivery trucks and staff and patient vehicles.
- i. The Hospital shall include a vehicular and pedestrian signage program, during construction, to advise patients and visitors of the current status of available parking on campus.
- j. Noise from heaters used during construction in winter conditions shall comply with the City's Noise Control Ordinance and any plastic sheeting used for weather protection shall be securely tied down to prevent flapping.
- k. Noise levels at the Site shall comply with the City's Noise Control Ordinance, Section 20-13.
- l. The Hospital shall establish an on-site construction staging area and an on-site holding area of sufficient size to prevent queuing of trucks on City streets waiting to deliver materials.
- m. The Hospital shall submit a Tree Protection Plan to the Director of Urban Forester, with a copy to the Planning Department and City Clerk, detailing the methodology to be used for the protection of all mature trees to be preserved, within the areas of construction.
- n. Erosion control measures shall be in place before excavation or earth removal.
- o. The material storage area(s) shall be clearly defined and shall be secured. The Hospital's Contractor shall make every effort to locate the material storage area(s) as far away from the abutting residential properties as possible.
- p. All drainage infrastructure shall be installed and functioning with the catch basins set at binder grade prior to the installation of the binder course of asphalt. The catch basins will not be raised to finish grade any sooner than one week prior to the installation of the finish course of asphalt.

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- q. All trash and debris removal, including emptying, removal, or installation of dumpsters or other trash containers, which relates to the construction of the project, will occur within the hours prescribed for external construction under the Construction Management Plan.
 - r. In conjunction with the written Final Construction Management Plan narrative, the Hospital shall submit construction management site plan(s), which identify the following:
 - i. The location of the material staging area(s);
 - ii. The location of any on-site temporary construction trailers;
 - iii. Temporary Site Circulation Plan(s), which identify the vehicle access into and out of the site, and around the site, during times when the existing driveway and/or access points are under construction, including, but not limited to: the improvements to the main entrance driveway; the relocation of the Ellison Building; the reconstruction of the loop road to facilitate the new Emergency Department access; the construction of the "parking annex" over the existing loop road; and all other time when the existing site circulation needs to be altered. The Temporary Site Circulation Plan(s) shall also include the expected timeframe during which each temporary circulation plan will be in effect.
 - iv. The location of all on-site and off-site truck delivery holding areas
 - v. The location of the on-site truck washing station(s).
 - vi. The location of hay bales and other methods of erosion control during construction.
 - vii. The general location of the construction security fence.
 - viii. The general location of temporary construction dumpsters.
 - s. Although not anticipated, if blasting is required, the Hospital shall comply with the Standard Blasting Conditions for Special Permit/Site Plan Approvals, dated May 31, 2002, on file with the City Clerk.
21. Prior to the issuance of any occupancy permits, the Hospital shall submit a vehicular and pedestrian signage package, for review and approval by the City Traffic Engineer and the Director of Planning and Development, which shall include, but not be limited to:
- a. The text and location for directional signage to direct patients, visitors and employees to the appropriate parking areas.
 - b. The text and location for pedestrian signage to direct visitors and patients from the designated parking areas along safe, accessible routes to appropriate locations in the Hospital and to facilitate those who will be accessing the Fl6sFlitrid-C a-ele MBTA from Washington Street.

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- c. A written methodology for the implementation of the program to utilize directional signage and other appropriate means, on an on-going basis, to direct visitors and patients to the available parking.
22. The Hospital shall execute a Traffic Mitigation Fund Agreement with the City and shall contribute \$25,000 to the City to be used for traffic improvements, studies or transportation programs associated with the traffic impacts from the Hospital and from this special permit project in the surrounding neighborhood, which shall include, but not be limited to improvements at the Commonwealth Ave/Washington Street intersection, the Beacon Street/Washington Street intersection, and/or the installation of parking meters along the east side of Washington Street. Such improvements, studies or programs shall be selected by the City for the purpose of mitigating potential impacts of the project and improving traffic safety and flow in the surrounding area, particularly along Washington Street, between Commonwealth Avenue and Beacon Streets. The Hospital's payment shall be made prior to the issuance of any building permits and shall be used within five (5) years from the date of initial occupancy of the relocated Emergency Department, pursuant to this special permit. The City shall refund, without interest, to the Hospital any monies contributed pursuant to this condition that are not been spent or encumbered against a contract at the end of such five (5) year period.
23. Prior to the issuance of a building permit, the Hospital shall make a payment to the City in the amount of Sixteen Thousand One Hundred Thirty-Two Dollars (\$16,132.00) to assist the City in its program to reduce inflow infiltration of sewerage in the area of the Hospital.
24. Board Order No. 128-87, Condition #7, is amended to allow for the additional height of the "ventilation stack," for the new emergency generator, as shown on the Plan entitled "Existing Building Elevation with New Emergency General Information, dated April 7, 2005", referenced in Condition #1.b. The new generator shall otherwise comply v.,; I the mechanical height limitations previously set forth in Condition #7 of Board Order No. 128-87.
25. Prior to the issuance of any occupancy permits, the Hospital shall prepare and submit to the Director of Planning and Development and City Traffic Engineer for their review an updated Parking Management Plan. Except in emergencies, the lights on the top level of the existing and expanded Employee Loop Road Garage will be turned off from 8:00 p.m. to 6:00 a.m. seven days a week. The Parking Management Plan will set forth a plan to manage parking to eliminate it (except e.g., for overtime/emergencies) on the top level between the hours of 8:00 p.m. and 6:00 a.m., in order to mitigate the intrusion of headlights onto neighboring properties.
26. Underground water level monitors as set forth in the "SEA Groundwater Observation Well Readings Report" dated April 27, 1995, by SEA Consultants, have already been installed on the Hospital property. During construction, the Hospital will provide the City Engineer with monitoring information relevant to the underground water levels on the Hospital site. ~~If the monitoring identifies an onsite condition that has, or will, raise the~~ Yelp create off-site impacts, the Hospital will design and implement an atiphflitaticMitigation

Plan, which Plan shall be subject to the review and approval of the City Engineer.

27. Within two (2) months from the date of approval of this special permit a Construction Liaison Committee shall be established to meet regularly (monthly for the first six (6) months of the construction period and thereafter, at least every three (3) months, until a temporary certificate of occupancy is issued by the Inspectional Services Department, unless there is consensus in the Liaison Committee that no meeting is necessary). The first meeting shall occur at least thirty (30) days prior to the start of construction.

The membership of the Liaison Committee shall be as follows: the General Contractor's on-site person responsible for the construction, the Hospital's chief executive officer designee, the Aldermen of Wards 4 and 5, any other interested Aldermen, five (5) residents from immediate neighborhood, which shall include one (1) resident from Longfellow Road, Bonaire Circle, Beacon Street, the side of Washington Street across from the Hospital's unsignalized entrance or Walsingham Street, and Dorset Road. In addition, a representative from National Development shall be invited to all meetings to represent the future residents of the Arbor Pointe at Woodland Station Development;

Meetings of the Liaison Committee will be open to the public, and the Committee will establish such agendas and procedures as it shall see fit.

The Liaison Committee will be convened jointly by the Hospital's Representative and a designated representative of the residents. The Liaison Committee shall act, when necessary, by consensus, but nothing in the establishment of the Liaison Committee shall inhibit any member from engaging in any lawful activities.

The Liaison Committee shall give written, and/or electronic notice to the City Clerk, the Board of Aldermen, and to residents on the designated streets of the date, time and location of its meetings. The Liaison Committee shall be responsible for identifying the residents to whom such notice shall be given. The Hospital shall pay for any cost associated with providing notice of the Committee's meetings.

The purposes of the Liaison Committee shall be:

- To enhance and insure communication about the status and progress of the construction of the Project by the Hospital;
- To provide a forum for presentation of a construction timing and schedule by the Hospital and any significant changes to the schedule or timing;
- To provide a forum for presentation of supplementary permit requests if required;
- To monitor implementation of the Construction Management Plan and construction-related issues (e.g., unusual noise, construction parking and traffic).
- To provide a forum for good faith efforts to resolve complaints or disputes.

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28. All transformers, chillers, air conditioners, mechanical/ventilation systems, HVAC equipment, generators and similar devices for this project shall be located, designed, and baffled using appropriate acoustical screening to minimize the noise produced. The Hospital shall comply with all applicable City of Newton and Massachusetts Department of Environmental Protection Noise Regulations pertaining to noise levels and shall utilize mechanical equipment which produces the lowest noise level possible which is still suitable for the Hospital's purposes.
29. Within four (4) months of the date that the Board of Aldermen approves this special permit and the Board Order is filed with the City Clerk, the Hospital shall establish a Neighborhood Council. Its membership shall consist of one resident/property owner from each of the following streets: Longfellow Road, Bonaire Circle, Beacon Street, across Washington Street or Walsingham Street, and Dorset Road, the designee of the Newton-Wellesley Hospital's President, two Aldermen (one each from Ward 4 and Ward 5), and a representative from the Newton Department of Planning and Development.

There shall be two (2) meetings annually. The purpose of the Council shall be to discuss material issues of general and mutual concern to the City, Hospital, and abutters, and for the City and resident members to provide constructive input to the Hospital concerning plans for new construction and renovation, future planning, traffic and traffic management, implementation of the Traffic Demand Management, dated March 23, 2005, parking and Parking Management, and operational efficiencies, as those topics may effect or impact campus parking, the surrounding neighborhood, and the City. The Hospital shall provide an annual report to the Council that shall include the following information: the number of employees receiving MBTA passes paid for by the Hospital; the number of employees living at ArborPoint; and what operational efficiencies the Hospital has undertaken that may affect or impact campus parking. The Council shall strive to enhance and ensure communication among all represented constituencies, and to provide a forum for good faith efforts to resolve complaints or disputes and to assist the Hospital in maintaining its financial stability so that it can continue to provide high quality medical care.

If requested by the resident representatives, the Hospital will provide a letter of support of petitions to the City for parking restrictions on surrounding residential streets, if the residents of those streets have determined that these restrictions are necessary and desirable and file such petitions.

After consultation with and input from representatives of the Hospital, the resident representatives on the Council shall be appointed by the Board of Aldermen for terms coincidental to the terms of the Board of Aldermen. Resident representatives shall be selected based on their capability of representing a multiplicity of interests within each abutting residential area to the Hospital.

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30. No later than five (5) years following the issuance of a certificate of occupancy for the Emergency Department authorized in this special permit by the City of Newton Inspectional Services Department, the Hospital will list the Properties at 14 and 16 Bonaire Circle for sale as residential homes to be sold to bona fide purchasers upon reasonable terms and conditions usually associated with arms length residential purchases and sales. The Hospital will also make Hospital Employees aware of the listing. Any sale of the Properties shall be contingent upon the Hospital and bonafide purchaser agreeing upon mutually satisfactory and reasonable terms and a reasonable sales price in a written Purchase and Sales Agreement. In no event shall the Hospital be obligated to sell the Properties if doing so will cause the Hospital to fail to sell at Fair Market Value. That term shall include recovery of costs invested in the Properties by the Hospital including, without limitation, costs associated with capital improvements, repairs, and acquisition of the Properties, so that the Hospital fulfills its statutory and fiduciary obligations regarding investments, unless the Attorney General of the Commonwealth approves a Fair Market Value sales price which does not satisfy this "Fair Market Value" definition. If the Hospital shall receive an offer for less than the defined Fair Market Value and shall not wish to sell the Properties at that price without seeking authority for the sale from the Attorney General, the Hospital will timely seek such approval and will exercise reasonable due diligence in obtaining such consent. The terms of this condition shall expire on the first day following the first year anniversary of the same execution of the listing agreement for sale of properties. If the Hospital is unable to reach agreement as set forth in this condition for the sale of one or both of the Properties within that period, the period shall be extended for an additional one (1) year period.
31. In accordance with the provisions of the Hospital's MOU with the Woodland ArborPoint project, when ArborPoint notifies the Hospital of the availability of both market rate units and the selection process for affordable units, the Hospital will pass that information along to its employees in an appropriate manner.
32. No building permit shall be issued in pursuance of this SPECIAL PERMIT TO EXTEND A NONCONFORMING USE AND STRUCTURE and SPECIAL PERMIT/SITE PLAN APPROVAL until:
- The Hospital shall have submitted final plans and elevations to the Director of Planning and Development, to assure consistency with the Plans approved with the special permit, referenced in Condition #1. The Hospital shall also submit final facade and roof materials and colors of the building and specifications on the proposed colorization of the concrete on the upper level of the expanded parking garage.
 - A final landscape plan, in accordance with Condition #1, indicating the location, number, size, and type of landscaping and landscape materials to be installed shall have been submitted to and approved by the Director of Planning and Development and a statement certifying such approval for consistency with plans cited in Condition #1 shall have been filed with the City Clerk and the Department of Inspectional Services.

- c. The Hospital shall have filed updated plans and details for the proposed fencing for review and approval by the Director of Planning and Development, in accordance with Conditions 11#2 and 3, above.
- d. The Hospital shall have submitted a final photometric plan, for review and approval by the Director of Planning and Development, in accordance with Conditions 01 and 4, above.
- e. The Hospital shall have submitted revised parking garage plans and elevations for review and approval by the Director of Planning and Development, in accordance with Condition #5, above.
- f. The Hospital shall have submitted final engineering plans, in accordance with Condition #14, above, and final utility plans to the City Engineer. The City Engineer shall have reviewed and approved the final plans for site grading and storm and sewer drainage, water service, the underground installation of all utilities, and a statement by the City Engineer certifying such approval shall have been filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development
- g. The Hospital shall have submitted to the Commissioner of Inspectional Services, City Engineer, City Traffic Engineer, and the Director of Planning and Development a final phased construction plan, in accordance with Condition #20 above, for review and approval.
- h. The Hospital shall have executed a Traffic Mitigation Fund Agreement with the City and shall have contributed \$25,000 to the City for this fund, in accordance with Condition #22, above.
- i. The Hospital shall have made an I & I Fee payment of \$16,132 to the City, through the City Engineer, in accordance Condition #23, above.
- j. The Hospital shall have submitted all building plans and supporting documentation for review and approval by the Fire Department to assure that the project complies with all relevant Fire Prevention Codes.
- k. The Hospital shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a certified copy of this Board Order granting this Special Permit/Site Plan Approval and Extension of Nonconforming Use and Structure with the appropriate reference to the book and page of the Hospital's title deed or notice of lease endorsed thereon.

A certified copy of such recorded notice shall have been filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.

33. No portion of the site subject to this SPECIAL PERMIT TO EXTEND A NONCONFORMING USE AND STRUCTURE and SPECIAL PERMIT/SITE PLAN APPROVAL shall be occupied until:

- a. The Hospital shall have filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a

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architect, or registered engineer certifying that Conditions #11, 4 and 5 has been complied with.

- b. There shall have been filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by the City Engineer certifying that the finished grades and final construction details of driveways, parking areas, drainage systems, sidewalks, curbing, and utility installations have been constructed to standards of the City of Newton Engineering Department.
- c. There shall have been filed with the City Clerk, the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, final landscape features, both on site and abutting properties, parking areas, lighting installation.
- d. The Hospital shall have submitted the vehicular and pedestrian sign package, for review and approval, in accordance with Condition #21, above, and all the signs in the approved sign package have been installed.
- e. The Hospital shall have submitted an updated Parking Management Plan, in accordance with Condition #19, above.
- f. Notwithstanding the provisions of Condition #33c, hereof, the Commissioner of Inspectional Services may issue one or more certificates for temporary occupancy, of all or portions of the project as described herein, including the new ambulatory surgical services building and Loop Road Garage expansion prior to installation of final landscaping, provided that the Hospital shall first have filed with the Director of Planning and Development a bond, letter of credit, cash, or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.
- g. A statement by the Department of Inspectional Services that it intends to issue the certificate of Occupancy which documents the buildings compliance with the Massachusetts State Building Code including any permits issued by said Department that the premises are suitable for occupancy shall have been filed with the City Clerk and the Department of Planning and Development.

Under Suspension of Rules
Readings Waived and Approved
23 yeas 0 nays 1 absent (Ald. Hess-Mahan)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on April 21, 2005.

The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

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I, E and G. English, as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on 9/24/05 and that NO APPEAL to said decision pursuant to M.G.Laws Chapter 40, Section 17 has been filed thereto.

ATTEST:


(SGD) ED i ARD G. ' I' , ity Clerk
Clerk of the : oard of Aldermen

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Exhibit A

List of Deeds
(Unregistered Title References)

All references are to the Middlesex South District Registry of Deeds:

Book 1681, Page 571
Book 2919, Page 230
Book 3368, Page 234
Book 3520, Page 191
Book 3606, Page 523
Book 4669, Page 470
Book 4716, Page 534
Book 4801, Page 56
Book 8652, Page 87
Book 9455, Page 86
Book 14024, Page 267
Book 14074, Page 204
Book 14074, Page 206
Book 14074, Page 208
Book 14131, Page 114
Book 14800, Page 46
Book 14800, Page 48
Book 15279, Page 442
Book 15288, Page 355
Book 15295, Page 438
Book 15303, Page 505
Book 16122, Page 557
Book 16122, Page 560
Book 16281, Page 432
Book 16356, Page 454
Book 18618, Page 37
Book 21077, Page 453
Book 21498, Page 536

Exhibit A

List of Deeds
(Unregistered Title References)

All references are to the Middlesex South District Registry of Deeds:

Book 1681, Page 571
Book 2919, Page 230
Book 3368, Page 234
Book 3520, Page 191
Book 3606, Page 523
Book 4669, Page 470
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Book 8652, Page 87
Book 9455, Page 86
Book 14024, Page 267
Book 14074, Page 204
Book 14074, Page 206
Book 14074, Page 208
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Book 14800, Page 46
Book 14800, Page 48
Book 15279, Page 442
Book 15288, Page 355
Book 15295, Page 438
Book 15303, Page 505
Book 16122, Page 557
Book 16122, Page 560
Book 16281, Page 432
Book 16356, Page 454
Book 18618, Page 37
Book 21077, Page 453
Book 21498, Page 536

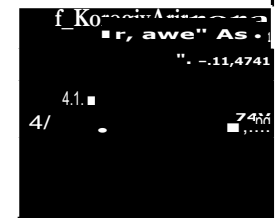
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Newton Wellesley Hospital

Zoning Map

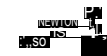
- Newton Boundary Zoning Districts
- Single Res. 1
 - Single Res. 2
 - Single Res. 3
 - Business 1
 - Business 2
 - Business 3
 - Business 4
 - Business 5
 - Lim. Manuf.
 - Manuf.
 - Mult-Res. 1
 - Mult-Res. 2
 - Mult-Res. 3
 - Mult-Res. 4
 - Mixed Use 1
 - Mixed Use 2
 - OS/Rec.
 - Public Use
- Ponds/Rivers
- Property Boundaries
- 1-f.f.; 1 Buildings

1" = 189.6'



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